IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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FRIDAY, THE THIRTYIETH DAY OF SEPTEMBER

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE K.C.BHANU

* * *

WP.No.16557 OF 2005

Between:

Kanchupati Venkateswara Rao … Petitioner

Versus

The Commissioner of Police

Visakhapatnam district, Visakhapatnam

& Ors. … Respondents

Counsel for the Petitioner: Mr.VVL.Narasimha Rao

Counsel for the Respondents: GP for Home

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O R D E R :

This writ petition is filed seeking mandamus to declare the action of the respondents 1 and 2 in not taking action against the fourth and fifth respondents and also the action of the third respondent in not removing the illegal encroachments made by the fourth and fifth respondents on 300 feet road of P.F. Colony, near Plot No.46, situate

at Chinnamushidivada, Pendurthi Mandal, Visakhapatnam district, as illegal, arbitrary and consequently direct the respondents 1 and 2 to take action against the respondents 4 and 5 basing on the complaint made by the petitioner and further direct the third respondent to remove illegal encroachment-construction made by the fourth and fifth respondents on 30 feet road of PF colony near Plot No.46 of Chinnamushidivada, Pendurthi Mandal, Visakhapatnam district.

On the other hand, the first and second respondents have filed counter-affidavit. In the counter-affidavit, the second respondent stated that as soon as he received the complaint on 08-7-2005 he made entry in the Station General Diary, immediately caused discreet enquiries into the allegations made in the complaint and visited the spot personally. On enquiry, the second respondent came to know that the unofficial respondents did not encroach 30 feet road situate opposite the petitioner's residence and never threatened him with dire consequences. The second respondent submitted that he orally advised the petitioner to approach the competent civil court for Redressal of his grievance.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

As can be seen from the counter-affidavit filed by the first and second respondents, the second respondent denied the allegations made in the complaint and further there is no inaction on the part of the second respondent in not acting upon the complaint of the petitioner.

Now appropriate decision has to be taken by the third respondent for the alleged

encroachment, if any, in accordance with law on the allegations made in the complaint dated 08-7-2005 of the petitioner seeking to take action against the fourth and fifth respondents in not removing the illegal encroachment made by them.

Without entering into the merits of the case, I deem it appropriate to direct the third respondent to take appropriate decision on merits and in accordance with law pursuant to the allegations made in the complaint dated 08-7-2005 of the petitioner against the fourth and fifth respondents, if allegedly encroached 30 feet road of PF colony, near Plot No.46 of Chinnamushidivada, Pendurthi Mandal, Visakhapatnam district, within a period of two weeks, from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of at the admission stage with liberty reserved in the petitioner to pursue the remedy as may be available to him in law. No costs.

SEPTEMBER 30th, 2005. ----------

I s L. ***K.C. BHANU ,*** **J**.